

03-17-06

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: John Franklin Hayhurst GROUP: 3723  
SERIAL NO: 10/713,458 EXAMINER: David B. Thomas  
FILED: November 14, 2003  
FOR: ESCAPE HAMMER

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)**

1. This application became abandoned on May 24, 2005
2. This application became abandoned because the failure to prosecute was an unintentional delay. The delay in filing the required reply from the due date until the filing of this petition was unintentional 37 C.F.R. §1.137(b)(3).
3. Response or action required

X has been filed.

X is attached

       The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on March 16, 2006 in an envelope "Express Mail Post Office to Addressee" Mailing Label Number EV856042272US addressed to Mail Stop RCE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Molly C. Kelly  
Molly C. Kelly

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4. Fee (37 C.F.R. 1.17(m))

Application Status is:

- Small business entity -- fee \$750.00  
 A statement is attached  
 A statement was filed  
 Other than small entity -- fee \$1,500.00

5. Payment of fee

- Enclosed is a check for \$0.00 to cover the petition fee
- The Commissioner is authorized to credit any overpayment and charge any deficiency in fees required to Deposit Order Account No. 19-0079. A duplicate of this petition is attached.

*(complete the following, if applicable)*

- Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. §1.134(b) was unintentional. 62 Fed. Reg. 53, 131, 53, 159 (Oct. 10, 1997).
- Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53, 131, 53, 159 (Oct. 10, 1997).

Applicant(s) hereby petition for the revival of the above-referenced patent application,  
the abandonment of which was unintentional.

Respectfully submitted,



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